

# Altion Law

## **Modern Slavery Act is now in force, are you ready for reporting?**

### **What is modern slavery?**

Modern Slavery is the holding of a person in circumstances known to be that of slavery or servitude, requiring that person to perform forced or compulsory labour. The Modern Slavery Act 2015 (The Act) also applies to human trafficking, and defines the meaning of exploitation. All circumstances will be taken into account in a determination, and the consent of the person held is not accepted.

### **Who does the act apply to?**

The Modern Slavery Act applies to all commercial organisations which supply goods or services and carry out any of their business in the UK. The requirements not only cover the initial companies, but also extend to include supply chains and out sourced providers.

### **Does this happen in Construction?**

Anyone can be a victim of modern slavery, and the construction

industry has been highlighted as an areas at high risk as it is a labour intensive sector. A report by LexisNexis BSI, *Hidden in Plain Site* states "An estimated 7 % of the global workforce works in construction. The work is often hard, manual labour. A proportion of them do not do this out of free will; they are forced to work and are exploited."

### **What are the penalties?**

Modern Slavery and Human Trafficking is a criminal offence, with the test being 'should have or ought to have known' that slavery or trafficking was occurring. The penalties for businesses are financial, Key people within the business however can also be held personally liable, and may face imprisonment. Confiscation orders may be granted for vehicles, aircraft and ships used in the movement or facilitation of modern slavery as well as compensation for victims

### **Do you have a turnover above £36m?**

Any business with a turnover of above £36 million per annum is also required to produce a statement to be published within 6 months of year end. The contents are not prescribed in law but should contain steps the organisation has taken to ensure compliance with the Act.. The statement may include due diligence processes, a reflection on the effectiveness of steps taken and any risk to the business. A statement is still required even if no steps have been taken by the business.

### **How to comply?**

- Put sufficient policies and procedures in place to comply with the Act.
- Train all relevant staff in the policies and procedures.
- Undertake due diligence on supply chains, and prioritise those most at risk. Due diligence must be reasonable,

propitiate, & reflect the severity and likelihood of risk.

- Carry out risk assessment on the business. Where risk is assessed take action, and consider terminating relationships where a risk cannot be remedied.
- Track performance and be prepared to report on your progress.

### **How can Altion Law help?**

Altion Law are experts in the areas of Modern Slavery and Human Trafficking, and can provide practical advice and guidance on:

- Compliance;
- Due Diligence requirements;
- Risk assessment
- Bespoke training
- internal policies & procedures; codes of conduct; key performance/compliance indicators etc

### **About Altion Law**

For expert legal advice call us on 01908 414990 or contact us online at [www.Altion-law.co.uk](http://www.Altion-law.co.uk) and we'll be happy to help you.

At Altion Law we provide clear, no-nonsense, expert legal advice and representation to help you get the best result.

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[www.altion-law.co.uk](http://www.altion-law.co.uk)

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